

ORIGINAL



0000100047

RECEIVED

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING
COMMITTEE

AZ CORP COMMISSION
DOCKET CONTROL

Docket No. L-00000KK-09-0299-00147

Case No. 147

IN THE MATTER OF THE APPLICATION OF
SEP-II, LLC, IN CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES SECTION 40-360, et seq., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
MESQUITE SOLAR GEN-TIE 230KV
TRANSMISSION LINE, ORIGINATING AT THE
PROPOSED MESQUITE SOLAR PHOTO
VOLTAIC GENERATING FACILITY IN SEC.
18, T.1S., R.6W. G&SRB&M, MARICOPA
COUNTY, AND TERMINATING AT THE
EXISTING MESQUITE GENERATING
STATION 230KV SWITCHYARD IN SEC. 15,
T.1S., R.6W. G&SRB&M, IN MARICOPA
COUNTY, ARIZONA.

NOTICE OF FILING
E-MAIL COMMUNICATION

Arizona Corporation Commission

DOCKETED

JUN 26 2009

DOCKETED BY

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the previous filing on June 16, 2009.

DATED: June 26, 2009

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed June 26, 2009 with:

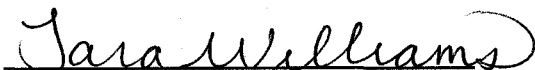
4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8 Copy of the above was mailed
9 this 26th day of June, 2009 to:

10 Janice Alward, Chief Counsel
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, AZ 85007
14 Counsel for Legal Division Staff

15 Steven A. Hirsch
16 Andrew D. Gleason
17 Bryan Cave LLP
18 2 North Central Avenue, Suite 2200
19 Phoenix, AZ 85004
20 Counsel for Applicant, SEP-II

21 Marta T. Hetzer
22 Arizona Reporting Service, Inc.
23 2200 North Central Avenue
24 Phoenix, Arizona 85004-1481

25 
26

From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>, "Janice Alward" <JAlward@azcc....
Date: 6/19/2009 12:01 PM
Subject: RE: #147 Agenda

Hello, Tara

We will schedule ourselves accordingly.

Thanks,

Marta Hetzer
Administrator / Owner

*** Our office hours are Monday through Friday 8:00 a.m. to 6:00 p.m.

Arizona Reporting Service, Inc.
Court Reporting & Videoconferencing Center
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

VOICE 602-274-9944
FAX 602-277-4264
TOLL FREE 800-522-8893 - Outside Phoenix Metro
e-mail azrs@az-reporting.com
website www.az-reporting.com

AZRS and its predecessors have been in operation in Phoenix, Arizona since 1947

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, June 19, 2009 11:21 AM
To: Janice Alward; Andrew Gleason; Steven Hirsch
Cc: AZRS
Subject: #147 Agenda

I have attached the Agenda for August 13th and 14th, which was filed with Docket Control. Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF SEP-II, LLC, IN CONFORMANCE
WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES SECTION
40-360, et seq., FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE MESQUITE SOLAR
GEN-TIE 230KV TRANSMISSION LINE,
ORIGINATING AT THE PROPOSED
MESQUITE SOLAR PHOTO VOLTAIC
GENERATING FACILITY IN SEC. 18,
T.1S., R.6W. G&SRB&M, MARICOPA
COUNTY, AND TERMINATING AT THE
EXISTING MESQUITE GENERATING
STATION 230KV SWITCHYARD IN SEC.
15, T.1S., R.6W. G&SRB&M, IN
MARICOPA COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-00147

Case No. 147

15
16
17
18
19
20
21
22
23
24
25
26

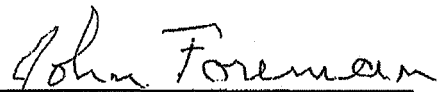
AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the general public, the parties and the Arizona Power Plant and Transmission Line Siting Committee ("Committee") that the Committee will hold a meeting/hearing on the above application that is open to the public at the Hampton Inn & Suites, 2000 North Litchfield Road, Goodyear, Arizona, 85395, (623) 536-1313, beginning on August 13, 2009, at 9:30 a.m. and continuing, if necessary, on August 14, 2009, at 8:00 a.m., if a tour is taken, or at 9:30 a.m., if a tour is not taken. The hearing will adjourn at approximately 5:00 p.m. on each day. Public comment will be taken during the hearing at times designated by the Chairman. Additional days for the hearing may be set, or the hearing may conclude earlier than anticipated, depending upon the number of parties that intervene, the amount of testimony presented, the amount of public comment, and the time needed for deliberations by the Committee. As a part of the public meeting/hearing, members of the Committee will discuss the potential value of a tour, and, at the discretion of the Chairman of the Committee, may tour the proposed transmission line route for the project on August 14, 2009, beginning at 8:00 a.m., or at a later time. A decision about whether a tour will be taken on August 14, 2009, will be made during the meeting/hearing on August 13, 2009. At the meeting/hearing, the Committee may consider, discuss, deliberate and/or vote on the matters on the Agenda. Items on the Agenda may be taken in a different order than listed as conditions require.

1. Call to Order;
2. Roll Call;
3. Consideration of and vote upon any requests to intervene;
4. Hearing on the application;
5. Public Comment;
6. Discussion of potential value of a tour of the proposed route;
7. If it is decided a tour would be valuable, the Committee will travel along the route, following an itinerary which will be available at the hearing. A copy of the itinerary and tour route map will be filed at the Arizona Corporation Commission. Members of the public may follow the Committee's tour by use of their own private vehicles. No testimony or discussion with or between Committee Members about the Application or matters relating to the Application will take place, except on the record before a court reporter at the designated stops. The Chairman of the Committee will make any procedural decisions concerning what will be done at the stops during the tour;
8. Discussion of proposed Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility;
9. Vote and decision concerning Findings of Fact, Conclusions of Law, the Certificate of Environmental Compatibility and conditions to the Certificate of Environmental Compatibility; and,
10. Adjournment.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Shaylin Bernal, voice phone number: (602) 542-3931, e-mail: sabernal@azcc.gov. Requests should be made as early as possible to arrange the accommodation. All materials relating to the hearing, including any tour, may be found at the Docket Control of the Arizona Corporation Commission, 1200 W. Washington, Phoenix, AZ 85007, first floor.

1 DATED this 12th day of June, 2009

2
3
4 
5 John Foreman, Chairman,
6 Arizona Power Plant and
7 Transmission Line Siting Committee
8 Assistant Attorney General
9 john.foreman@azag.gov

10 Pursuant to A.A.C. R14-3-204,
11 The Original and 25 copies were
12 filed this 12th day of June, 2009 with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 W. Washington St.
16 Phoenix, AZ 85007
17
18
19
20
21
22
23
24
25
26

From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 6/22/2009 1:03 PM
Subject: RE: #147 Procedural Order

Hello, Tara
Thanks.
We have added to our calendar.

Marta Hetzer @ AZRS
602-274-9944

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Monday, June 22, 2009 11:08 AM
To: Janice Alward; Andrew Gleason; Steven Hirsch
Cc: AZRS
Subject: #147 Procedural Order

I have attached the Procedural Order for this case as well as an additional Procedural Order, which has been filed today with Docket Control.

If you have any questions, please contact me.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

1
2
3
4
5
6
7
8
9
10
11
12
13

**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF SEP-II, LLC, IN CONFORMANCE
WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES SECTION
40-360, et seq., FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE MESQUITE SOLAR
GEN-TIE 230KV TRANSMISSION LINE,
ORIGINATING AT THE PROPOSED
MESQUITE SOLAR PHOTO VOLTAIC
GENERATING FACILITY IN SEC. 18,
T.1S., R.6W. G&SRB&M, MARICOPA
COUNTY, AND TERMINATING AT THE
EXISTING MESQUITE GENERATING
STATION 230KV SWITCHYARD IN SEC.
15, T.1S., R.6W. G&SRB&M, IN
MARICOPA COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-00147

Case No. 147

14
15
16
17
18
19
20
21
22
23
24
25
26

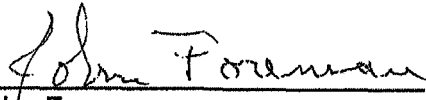
PROCEDURAL ORDER

John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee") has been advised that Docket Control of the Arizona Corporation Commission is not sending copies of relevant filings to all "persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A) that are listed as parties or potential parties on pleadings or procedural orders filed by the Applicant or the Chairman. Neither the Line Siting Committee nor its Chairman has the power to direct Docket Control to mail one of the 25 copies of pleadings filed with Docket Control to parties or potential parties. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

IT IS ORDERED the Applicant and all "persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A) shall notify Docket Control of their desire to receive pleadings and orders in this matter and shall regularly review the Docket Control file, or visit e-Docket online, to make sure they have received all pleadings and procedural orders relating to this case.

IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing conference or at a hearing.

1
2 DATED this 22nd day of June, 2009

3
4 
5 John Foreman
6 Assistant Attorney General
7 Chairman
8 Arizona Power Plant and Transmission
9 Line Siting Committee
10 john.foreman@azag.gov

11 Pursuant to A.A.C. R14-3-204,
12 The Original and 25 copies were
13 filed this 22nd day of June, 2009 with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington St.
17 Phoenix, AZ 85007

18 Copy of the above mailed
19 this 22nd day of June, 2009 to:

20 Janice Alward, Chief Counsel
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, AZ 85007
24 Counsel for Legal Division Staff

25 Steven A. Hirsch
26 Andrew D. Gleason
Bryan Cave LLP
2 North Central Avenue, Suite 2200
Phoenix, AZ 85004
Counsel for Applicant, SEP-II

1 Marta T. Hetzer
2 Arizona Reporting Service, Inc.
3 2200 North Central Avenue
4 Phoenix, AZ 85004-1481

5 Jara Williams
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13

**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION
OF SEP-II, LLC, IN CONFORMANCE
WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES SECTION
40-360, et seq., FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE MESQUITE SOLAR
GEN-TIE 230KV TRANSMISSION LINE,
ORIGINATING AT THE PROPOSED
MESQUITE SOLAR PHOTO VOLTAIC
GENERATING FACILITY IN SEC. 18,
T.1S., R.6W. G&SRB&M, MARICOPA
COUNTY, AND TERMINATING AT THE
EXISTING MESQUITE GENERATING
STATION 230KV SWITCHYARD IN SEC.
15, T.1S., R.6W. G&SRB&M, IN
MARICOPA COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-00147

Case No. 147

PAD / CPA
JUN 15 2009
RECEIVED

RECEIVED
2009 JUN 11 P 1:47
AZ CORP COMMISSION
DOCKET CONTROL

14
15
16
17
18
19
20
21
22
23
24
25
26

PROCEDURAL ORDER

An application for a Certificate of Environmental Compatibility was filed in the above captioned matter with docket control of the Arizona Corporation Commission ("Commission") on June 5, 2009. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

IT IS ORDERED:

1. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is December 2, 2009.
2. The Applicant shall arrange for the publication and posting of notice of the evidentiary hearing, as agreed to at the pre-application hearing involving the Applicant and all known potential intervenors, in a form approved by the Chairman and circulated for approval as to form to all known potential interested parties. In addition, the Applicant shall submit a copy of the notice and present

testimony describing the publication and posting of the notice at the evidentiary hearing.

3. The Applicant shall make arrangements for the evidentiary hearing to be held at the Hampton Inn & Suites, 2000 North Litchfield Road, Goodyear, Arizona, 85395, (623) 536-1313, beginning on August 13, 2009, at 9:30 a.m. and continuing, if necessary, on August 14, 2009, at 9:30 a.m. The Applicant shall make arrangements for further regular sessions, if needed, and additional public comment sessions, if needed, on dates and at times to be determined later.
4. The Applicant shall contact Michael Kearns, Chief Finance Officer of the Commission (602-542-3931), and advise him of the Applicant's position concerning reimbursement of the Line Siting Fund should the expenses of the hearings exceed the application fee, and to discuss financial arrangements regarding hotel reservations and other expenses of the Line Siting Committee Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the results of these discussions so the necessary information may be communicated to the Line Siting Committee Members.
5. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall meet and confer, on or before the beginning of the evidentiary hearing to determine whether any of the intervening parties have similar interests in the application process that will allow them jointly to present testimony on direct or cross-examination of witnesses or jointly to offer exhibits into evidence. The Applicant shall, and any other potential party may, report to the Chairman the results of the attempts of the parties to resolve the issues and to determine if common interests exist that will allow parties to jointly present evidence and argument or to avoid repetition of testimony and argument at the hearing.
6. The parties and any other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line Siting Committee about any procedural matters or any factual issues or legal issues relating to the Application while the Application is pending before the Line Siting Committee. The only exception is the parties may communicate with the Chairman, during the time the Application is pending, about procedural matters relating to the preparation of the Application for hearing, the hearing on the Application and the decision on the Application by the Line Siting Committee. Communication of the parties with the Chairman about any procedural matters, during the time an Application is pending, shall be in writing with a copy of the

1 writing to all parties or known potential parties ("persons" within the meaning of
2 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to
3 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-
4 application hearing, at a procedural hearing or at the hearing on the application.
5 Any party who initiates any written communication sent to the Chairman shall
6 file, with docket control of the Commission, a copy of the communication,
7 including its distribution list, within 10 days of sending the communication.

- 8 7. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
9 submit, at least forty-eight hours before the hearing or meeting described in the
10 agenda, any objections, additions or corrections to the agenda, in order to bring
11 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
12 serve a copy upon all other parties and file a copy with docket control of the
13 Commission.
- 14 8. In addition, all parties shall meet and confer as needed before, during and after
15 the hearing to attempt to resolve any disputes amongst the parties. The parties
16 also shall keep all other parties advised of their positions and intentions with
17 regard to the presentation of evidence, witnesses and the application process in
18 general to avoid delay, the presentation of repetitive evidence and any unfair
19 advantage from surprise.
- 20 9. All parties shall prepare brief summaries of the expected direct testimony of each
21 witness they will call. In lieu of a testimonial summary, a party may pre-file and
22 exchange all or substantially all of the direct testimony of any witness.
23 Testimonial summaries and pre-filed testimony should be filed no later than the
24 last pre-hearing conference or three business days before the witness is to
25 testify, whichever is later. Except for good cause, no witness will be allowed to
26 testify on direct examination concerning issues not reasonably identified in the
pre-filed testimony or testimonial summary.
10. All parties shall meet, confer and exchange all exhibits the party plans to offer in
evidence before the hearing or before they are referred to in testimony or offered
in evidence. The Applicant shall, and other parties may, provide one or more
three ring binders for the Chairman and each member of the Line Siting
Committee to hold exhibits at the beginning of the hearing and as needed during
the hearing. Each party shall prepare a numbered list of the exhibits and a copy
of all exhibits suitable for placement in the binders that have been exchanged
with the other parties that each party expects to offer in evidence at the hearing
for the Chairman and each Line Siting Committee member. The exhibits shall be
provided at the beginning of the hearing and during the hearing before reference

1 to the exhibit is made in the hearing. Except for good cause, no exhibit that was
2 not exchanged with the other parties shall be considered at the hearing. Any
3 exhibit to which reference is made during any hearing that is not offered or
admitted into evidence shall be provided to the court reporter at the evidentiary
hearing for inclusion in the record unless it is withdrawn, and the Chairman
determines its filing is not necessary to an understanding of the actions of the
Committee.

4 11. All exhibits shall be consecutively numbered with the Applicant's exhibits
5 denominated: SEP-1, SEP-2, etc. Each intervening party will be assigned by the
6 Chairman a letter or letters of the alphabet as a preface with which to
consecutively number its exhibits. For example, the Commission Staff will
number its exhibits: CC-1, CC-2, etc.

7 12. The Applicant may make an opening statement at the beginning of the hearing of
8 no more than thirty minutes. Each other party may make an opening statement
9 of no more than five minutes.

10 13. Public comment will be heard after the opening statements and at other times set
11 by the Chairman during the hearing. See ¶ 3, above.

12 14. In the event the Chairman determines that a tour is appropriate, the Applicant
13 shall arrange for transportation of any Committee Members who wish to attend a
14 tour of the locations where facilities proposed in the application or similar facilities
15 are located. If a tour is held, the Applicant shall submit to the Chairman, for
16 approval in advance of the hearing, a schedule and protocol agreed to by all
17 parties for the tour. If all parties do not agree upon the schedule and protocol for
18 the tour, the disagreements shall be submitted to the Chairman for resolution.
19 The protocol shall identify the tour route, identify the location of any stops, and
20 identify any witnesses who will accompany the tour. Counsel may ask brief
21 explanatory questions of the identified witness or witnesses during the stops
22 about the location, what can be seen from the location of the stop and the
23 relevance of the location or view to the Application in the discretion of the
24 Chairman. All witnesses who testify on the tour shall be sworn before their
25 testimony. All questions and answers shall be before a court reporter. No
26 testimony or discussion with or between Committee Members about the
Application or matters relating to the Application will take place, except on the
record before a court reporter at the designated stops. The protocol shall provide
for access to any testimony presented at stops on a tour to members of the
public. Members of the public who wish to attend the tour shall be encouraged to
notify the parties or the appropriate staff of Arizona Corporation Commission in
advance of their intention to attend.

15. Parties may present their witnesses in panels where appropriate. A party that intends to present witnesses in panels shall identify the members of any panel at the time it files its witness summaries.
16. The Applicant shall make arrangements for the preparation of expedited court reporter transcripts of all pre-application hearings, pre-hearing procedural hearings and the evidentiary hearing, so that the transcripts are available for public inspection within three working days after each hearing date, as required by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a certification with Commission docket control that it has provided a copy of the transcripts to at least two public libraries identified in the certification that are in the vicinity of the application.
17. On or before the final pre-hearing procedural hearing set below, the Applicant shall, and the other parties may, file proposed findings of fact, proposed conclusions of law, the wording of any proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate.
18. If the beginning of closing arguments and the Line Siting Committee's deliberations are more than one week after the beginning of the hearing, the parties shall meet and confer after the hearing begins and before closing arguments concerning proposed findings of fact, proposed conclusions of law, a proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate. If the parties are able to agree upon part or all of the proposed findings of fact, proposed conclusions of law, proposed forms of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate, all that is agreed upon should be reduced to writing and filed with Commission docket control. If the parties are not able to agree completely, the Applicant shall, and all other parties may, file proposed findings of fact, proposed conclusions of law, proposed wording of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate on the day before the beginning of closing arguments and the Line Siting Committee's deliberations.
19. If the Applicant or any other party proposes conditions based upon conditions used in prior cases, each proposed condition from a prior case shall contain the case number of the most recent prior Certificate of Environmental Compatibility using the language approved by the Commission.
20. All witness summaries, proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions of Certificates, shall be filed with Commission docket control pursuant to A.A.C. R14-3-204 and -205. If any documents that are filed are hand delivered during

the hearing, eleven copies shall be submitted to the Chairman for distribution to the other Committee Members.

21. Within five business days after the hearing concludes and the Committee renders its decision, the parties shall meet and confer in person or electronically to determine if they can agree upon the final wording of a proposed Certificate of Environmental Compatibility. If the parties can agree upon the final wording of a proposed Certificate of Environmental Compatibility, Applicant shall file forthwith the agreed upon proposed Certificate of Environmental Compatibility to the Chairman for signature. If the parties are not able to agree upon a proposed form of Certificate of Environmental Compatibility, the Applicant shall file, and the other parties may file, within ten days after the date of the decision of the Committee, those portions of the proposed Certificate of Environmental Compatibility upon which the parties agree. The Applicant also shall file, and any other party also may file, its understanding of any disputed portions of the proposed Certificate of Environmental Compatibility. All proposed forms of the Certificate of Environmental Compatibility and any objections or proposed revisions shall be filed with docket control of the Commission, and a copy shall be hand delivered to the office of the Chairman at 1275 W. Washington, Phoenix, Arizona. Objections or suggestions that are not timely filed shall be considered waived. The copy of the proposed Certificate of Environmental Compatibility filed by the Applicant and any proposed revisions filed by the parties that are served upon the Chairman shall include an electronic file containing the wording of the proposed language in a format compatible with Microsoft® Word word processing program.

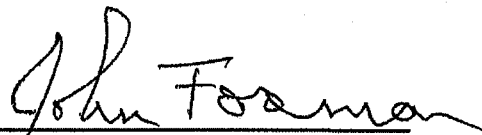
22. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing conference on August 3, 2009 beginning at 2:00 pm at the offices of the Attorney General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties other than the Applicant may appear by telephone with the prior permission of the Chairman. At the final pre-hearing conference, the Chairman will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions to the Certificate;

- 1 e. The status of the filing and exchange of witness summaries or written
2 testimony, proposed findings of fact, proposed conclusions of law,
3 proposed Certificates of Environmental Compatibility and proposed
4 conditions to the Certificate;
5 f. The status of the exchange of exhibits amongst the parties;
6 g. Any objections, motions, responses and legal memoranda that have been
7 filed;
8 h. Plans and preparations for the hearing, public comment session, and tour
9 of the proposed site.

10
11 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
12 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
13 conference or at a hearing.
14

15 DATED this 11th day of June, 2009

16 
17 John Foreman
18 Assistant Attorney General
19 Chairman
20 Arizona Power Plant and Transmission
21 Line Siting Committee
22 john.foreman@azag.gov

23 Pursuant to A.A.C. R14-3-204,
24 The Original and 25 copies were
25 filed this 11th day of June, 2009 with:

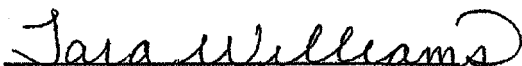
26 Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

1 Copy of the above mailed
2 this 11th day of June, 2009 to:

3 Janice Alward, Chief Counsel
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, AZ 85007
7 Counsel for Legal Division Staff

8 Steven A. Hirsch
9 Andrew D. Gleason
10 Bryan Cave LLP
11 2 North Central Avenue, Suite 2200
12 Phoenix, AZ 85004
13 Counsel for Applicant, SEP-II

14 Marta T. Hetzer
15 Arizona Reporting Service, Inc.
16 2200 North Central Avenue
17 Phoenix, AZ 85004-1481

18 
19
20
21
22
23
24
25
26

From: "Gleason, Andrew D." <andrew.gleason@bryancave.com>
To: <john.foreman@azag.gov>
Date: 6/24/2009 3:25 PM
Subject: SEP-II, LLC - Mesquite Solar Gen-Tie Project; Docket No. L-00000KK-09-0299-00147
Attachments: DOCKET CONTROL LTR.PDF

CC: "Tara Williams" <Tara.Williams@azag.gov>, "Hirsch, Steven" <sahirsch@bry...
Chairman Foreman:

You were copied on the attached correspondence.

Regards.

Andrew D. Gleason
Bryan Cave LLP
2 N. Central Avenue, Suite 2200
Phoenix, Arizona 85004
(602) 364-7276 - phone
(602) 716-8276 - fax

This electronic message is from a law firm. It may contain confidential or privileged information. If you received this transmission in error, please reply to the sender to advise of the error and delete this transmission and any attachments.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

BRYAN CAVE

Andrew D. Gleason
Direct: (602) 364-7276
andrew.gleason@bryancave.com

June 24, 2009

VIA HAND DELIVERY

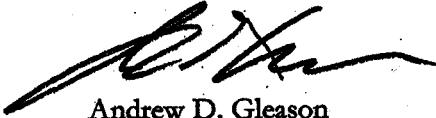
Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Re: SEP-II, LLC Mesquite Solar Gen-Tie Project; Docket No. L-00000KK-09-0299-00147; Line Siting Committee Case No. 147

Dear Sir or Madam:

Enclosed are twenty-five (25) copies of correspondence that has been sent to the Chairman of the Line Siting Committee concerning the form of sign notice to be used in relation to this matter and the proposed location for the posting of such sign notices. The proposed form of notice is also attached.

Sincerely,



Andrew D. Gleason
Enclosure

cc: The Honorable John Foreman (via email)
Janice Alward, Legal Division

Original and 25 copies filed with
Docket Control this 24th day
of June, 2009

Bryan Cave LLP

One Renaissance Square
Two North Central Avenue
Suite 2200
Phoenix, AZ 85004-4406
Tel (602) 364-7000
Fax (602) 364-7070
www.bryancave.com

Chicago
Hamburg
Hong Kong
Irvine
Jefferson City
Kansas City
Kuwait
London
Los Angeles
Milan
New York
Phoenix
San Francisco
Shanghai
St. Louis
Washington, DC

Bryan Cave International Trade
A TRADE CONSULTING SUBSIDIARY
OF NON-LAWYER PROFESSIONALS

www.bryancavetrade.com

Bangkok
Jakarta
Kuala Lumpur
Manila
Shanghai
Singapore
Tokyo

Bryan Cave Strategies
A GOVERNMENT RELATIONS AND
POLITICAL AFFAIRS SUBSIDIARY
www.bryancavestrategies.com

Washington, DC
St. Louis

From: John Foreman
To: Gleason, Andrew D.
Date: 6/24/2009 4:09 PM
Subject: RE: Procedural Question; SEP-II, LLC - Mesquite Solar Gen-Tie Project; Docket No. L-00000KK-09-0299-00147

CC: Hirsch, Steven; Williams, Tara

The form you have proposed is probably adequate. No statutory or ACC rule minimum guidance exists. However, in order to meet concerns raised by other Committee members in recent cases, I encourage you to include after the "Public Hearing" at the top something like:

"SEP-II, LLC has applied to the Arizona Power Plant and Transmission Line Siting Committee for permission to build a 230 kV transmission line from a proposed photovoltaic solar generating facility to be built south and west of 395th Ave. and Elliot Rd. in Maricopa County to the Mesquite Generating Station south of Elliot Rd. approximately 2.5 miles east. The preferred route goes approximately 4.5 miles from [briefly describe the preferred route]. An alternative route goes approximately 5.1 miles from [briefly describe the alternative route]. The project is called the ..."

Continue on with the name of the project and the remaining material in your proposal. The lettering should be adjusted to be consistent with the other material on the sign. The size of the signs you propose and the locations for the signs you propose appear appropriate. I usually address these issues at the pre-application conference. If you have other procedural questions, please let me know.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Gleason, Andrew D." <andrew.gleason@bryancave.com> 6/24/2009 3:30 PM >>>
Chairman Foreman:

No posting has yet occurred (but publication of the Notice of Hearing has run in the newspaper). We wanted approval of the form of posting before we took any action.

Andrew D. Gleason
Bryan Cave LLP
2 N. Central Avenue, Suite 2200
Phoenix, Arizona 85004
(602) 364-7276 - phone
(602) 716-8276 - fax

-----Original Message-----

From: John Foreman [<mailto:John.Foreman@azag.gov>]
Sent: Wednesday, June 24, 2009 3:21 PM
To: Gleason, Andrew D.
Cc: Tara Williams; Hirsch, Steven
Subject: Re: Procedural Question; SEP-II, LLC - Mesquite Solar Gen-Tie

Project; Docket No. L-00000KK-09-0299-00147

My understanding is you posted the attached notice last week. If that is true, my review at this point is meaningless. If you have not posted it, let me know and I will respond.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Gleason, Andrew D." <andrew.gleason@bryancave.com> 6/24/2009 2:37 PM >>>
Chairman Foreman:

Attached is correspondence pertaining to the proposed posting of public notice of the above referenced application. Copies of the attached are being delivered to Docket Control.

Regards.

Andrew D. Gleason
Bryan Cave LLP
2 N. Central Avenue, Suite 2200
Phoenix, Arizona 85004
(602) 364-7276 - phone
(602) 716-8276 - fax

This electronic message is from a law firm. It may contain confidential or privileged information. If you received this transmission in error, please reply to the sender to advise of the error and delete this transmission and any attachments.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

June 24, 2009

VIA EMAIL

The Honorable John Foreman
Chairman, Arizona Power Plant Intermission
Transmission Line Setting Committee
1275 W. Washington Street
Phoenix, Arizona 85007

**Re: Procedural Question; SEP-II, LLC Mesquite Solar Gen-Tie Project;
Docket No. L-00000KK-09-0299-00147; Line Siting Committee Case
No. 147**

Dear Chairman Foreman:

We represent SEP-II, LLC ("SEP-II") in the above referenced line siting case and are writing on its behalf. Enclosed is a proposed form of Public Notice to be posted along the preferred and alternative routes of SEP-II's proposed 230kV transmission line that is the subject of this application. SEP-II proposes that each sign be twenty-four inches by thirty-six inches in size and be posted at the following locations:

- (1) Near the intersection of Elliot Road and 395th Avenue on the northeast corner of SEP-II's proposed photovoltaic solar generation facility
- (2) Near the intersection of Narramore Road and 395th Avenue along the eastern boundary of SEP-II's proposed photovoltaic solar generation facility;
- (3) Near the intersection of Elliot Road and 391st Avenue (upon obtaining any required approvals or permits to place such notice sign in the public right of way);
- (4) Near the intersection of Narramore Road and 391st Avenue (upon obtaining any required approvals or permits to place such notice sign in the public right of way); and
- (5) At the entrance of Semptra Generation's Mesquite Generation Facility located on Elliot Road, where both of the preferred and alternative transmission lines would terminate.

Bryan Cave LLP

One Renaissance Square
Two North Central Avenue
Suite 2200
Phoenix, AZ 85004-4406
Tel (602) 364-7000
Fax (602) 364-7070
www.bryancave.com

Chicago
Hamburg
Hong Kong
Irvine
Jefferson City
Kansas City
Kuwait
London
Los Angeles
Milan
New York
Phoenix
San Francisco
Shanghai
St. Louis
Washington, DC

Bryan Cave International Trade
A TRADE CONSULTING SUBSIDIARY
OF NON-LAWYER PROFESSIONALS
www.bryancavetrade.com

Bangkok
Jakarta
Kuala Lumpur
Manila
Shanghai
Singapore
Tokyo

Bryan Cave Strategies
A GOVERNMENT RELATIONS AND
POLITICAL AFFAIRS SUBSIDIARY
www.bryancavestrategies.com
Washington, DC
St. Louis

June 24, 2009

Page 2

Bryan Cave LLP

Please advise as to whether the proposed form of posting and the proposed locations for the posting of such notice signs is acceptable.

As specified in paragraph 6 of the Procedural Order dated June 11, 2009, a copy of this correspondence is being filed with Docket Control.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Andrew D. Gleason

Enclosure

cc: Tara Williams (via email)
Janice Alward, Legal Division (via U.S. Mail)

PUBLIC HEARING

SEP-II, LLC

230 kV MESQUITE SOLAR GEN-TIE PROJECT

Arizona Corporation Commission Docket No. L-00000KK-09-0299-00147

**The public is invited to participate at a public hearing before the
Arizona Power Plant and Transmission Line Siting Committee**

commencing on:

AUGUST 13, 2009 at 9:30 A.M.

AUGUST 14, 2009 at 9:30 A.M., IF NECESSARY

HAMPTON INN & SUITES GOODYEAR

2000 N. LITCHFIELD ROAD

GOODYEAR, AZ 85395

INFO: TIM ALLEN (619) 696-2911